

## **Disability and Carers Benefits Expert Advisory Group**

To: Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People  
By e-mail

6 July 2018

Dear Shirley-Anne,

### **Equality analysis: Social Security in Scotland**

I am writing further to the latest discussion of the Advisory Group on equality analysis across the new social security functions in Scotland. We very much welcomed the input of Leila Akhoundova and Julie Guy on Analysis and Evaluation at our last meeting.

Over the last year, we have flagged three main areas for further engagement and exploration with officials and the Ministerial team relating to equality analysis and policy formulation, and for the Advisory Group to act upon as well. I am very grateful to my colleague Dr Angela O'Hagan for helping us to identify these equality considerations which will help ensure the Scottish Government puts the principles in the Social Security Act into practice effectively.

These include:

*Social Security is an investment in the people of Scotland* – all people including the most excluded and disadvantaged which often includes people with protected characteristics;

*Social Security is itself a human right and essential to the realisation of other human rights* – failure to reach groups or address barriers they face would breach those rights.

*Respect for the dignity of individuals is to be at the heart of the Scottish social security system* – this includes taking into account cultural issues, understanding of disability equality and appropriate interactions with people using the system.

*The Scottish Social Security system is to contribute to reducing poverty in Scotland* – since poverty rates are higher among women, people with disabilities and ethnic minority groups, it is imperative that social security equality access issues are well identified and addressed.

### **Data Collection and Analysis**

We are keen to understand further how the Scottish Government, and the Social Security Agency, is generating a baseline of current recipients of GB legacy benefits being devolved to Scotland and anticipated future recipients of devolved payments,

disaggregated by sex, ethnic origin, age, disability and sexual orientation. Disaggregation by geography should also be considered.

While appreciating there will be difficulties in building this full profile in the short-term, we see this as an essential endeavour if equalities data are to be integral to policy formulation, monitoring and evaluation. For example, the success of the Scottish Government's plan to raise take-up among people who are eligible for payments rests on better availability and use of equalities data. Effective use of equalities data will help to improve the scope and reach of information on social security changes to boost take-up. We note the financial implications this may have.

We have welcomed updates on how Experience Panels have been recruited and how participants are being supported to share their experiences and views so far. We welcome, too, ongoing proposals to boost participation by engaging with seldom-heard groups. However, we are also aware that this approach needs to rest on a foundation of consistently good equalities data and we remain concerned that the ethnicity of panel members, among other types of equalities information, does not appear to be collected. We acknowledge the reasons for approaching equalities data with sensitivity at all stages, but would encourage officials to take further steps to address under-representation by ethnicity and other protected characteristics.

### **Equality Impact Analysis**

We are unclear at this stage how the Scottish Government proposes to ensure robust Equality Impact Assessments (EQIAs) are applied consistently as the programme develops, so that the principles in the Act are upheld. We would be pleased to have further dialogue with officials on this. In particular, we would like to explore how equalities analysis and assessment are being built into early policy formulation and plans for evaluation. We observe that an equalities mainstreaming approach needs to be strengthened across each stage of the policy process, including clearer equalities dimensions in relation to the diverse lived experiences of people's lives in how gender, race, disability, sexual orientation, social class and income intersect. The interaction with geography must also be considered.

### **Non-discrimination principles within a human rights approach to social security**

We would encourage the Scottish Government to be clearer in demonstrating how principles of non-discrimination are being integrated into the very clear commitment of building a social security system consistent with advancing human rights. That is, ensuring that no distinction, exclusion or preference be made on the basis of an individual's protected characteristics. We are keen to engage with officials on the extent to which policies and procedures for making social security payments, as well as Agency functions, are being fully appraised to ensure non-discrimination and the mitigation and elimination of existing inequalities.

We are mindful of the multiple forms of discrimination people experience and therefore stress the need for Scottish Government and Agency officials to consider the additional support people will need to overcome structural barriers. This includes access to independent support, advice or advocacy to help them navigate the social

security system. We recommend these types of support are regarded as automatic and not exceptional.

In summary, to achieve the principles in the Act, there is a need for:

- improved data collection and analysis by equalities characteristic
- improved application of intersectional analysis in scoping beneficiary impact and formulating information and delivery processes
- improved application and greater transparency in relation to equality impact analysis and evaluation across all aspects of the devolved benefits delivery programme
- transparent reporting on actions to address persistent inequalities
- a more integrated approach to policy making across social security, housing, economic development, access to skills, apprenticeships and employment, and health and social care that reflects the diverse lived realities of carers and disabled people.

We recognise many of the challenges involved in achieving these goals, but would also note some of the progress being made in other policy areas, for example with equalities awareness, monitoring and action in Modern Apprenticeships.

We would like to work with your officials to help apply robust equalities analysis in policy and practice development. We would invite them to share one or two examples with us to work on in collaboration where appropriate. For example, we have advised on recruitment of staff to the new Agency. Looking ahead, significant equalities considerations will apply to the process of assessment, including the face to face element. There may be other cases where we can help to 'road-test' early thinking, in addition to feedback from Experience Panels and early claimant feedback.

### **Advisory Group capacity**

We want to build our own capacity to understand and analyse the challenges before us, recognising the existing structural barriers that result in everyday inequalities for people on account of how their gender, ethnicity, sexual orientation, age, social class or where they live intersect with experiences of disability and caring.

We propose to address equality considerations as an embedded feature within agenda items and to ensure we continue iterative working with your officials on these issues. We would be pleased to discuss any of the issues raised in this note. Please get in touch with Nicola Radley: [Nicola.radley@gov.scot](mailto:Nicola.radley@gov.scot)

We look forward to meeting you.

With best wishes,

**Jim McCormick**  
Chair